IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24289 of 1998

Between:

1 B.Jogaiah, S/o.Kotaiah,
R/o. Guthikonda, Pidiguralla Mandal,
Guntur District.
2 Ch. Seetharamaiah, S/o. Purushotham,
R/o. Janapadu, Pidiguralla, Guntur District.

..... PETITIONERS

AND

1 The Superintending Engineer, R & B Circle, Guntur.
2 The Executive Engineer, R & B, Division,
Narsaraopet, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction ,more particularly in the nature of Writ of Mandamus, declaring the action of the respondents in insisting Mines Department Revenue Clearance Certificate in its absence collecting five time penalty along with normal senigniorage fee from the bills of the Contractors is illegal and arbitrary and consequently direct the respondents not to collect five time penalty along with normal Senigniorage fee from the bills of the petitioner contractor in pursuance of various agreements.

Counsel for the Petitioner:MR.P.MADHUSUDHAN REDDY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following:

ORDER:

This writ petition is filed questioning the action of the respondents in insisting Mines Department Revenue Clearance Certificate and in its absence collecting five time penalty along with normal seigniorage.

It is submitted by the learned Special Government pleader for Transport and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1997 and batch, dated
07-10-1998.

In the circumstances, following the common order of this Court in W.P. No.7456 of 1997 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in
G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

16-3-2005

tvk

To

1 The Superintending Engineer, R & B Circle, Guntur.
2 The Executive Engineer, R & B, Division, Narsaraopet, Guntur District.

3. 2 CCs to G.P. for Roads and Buildings, High Court Buildings, Hyderabad. (OUT)

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